IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 1154 of 2007()

CMP.245/2007 of J.M.F.C., RAMANKARI
.....

(CRIME NO.7/2007 OF KUTTANAD EXCISE RANGE)

PETITIONERS:
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1. **SHAJAHAN, S/O.MUHAMMED, (A1),**
   VELLURPARAMBU VENALLUR MURI, KUMARAMANAGALAM VILLAGE, THODUPUZHA TALUK, IDUKKI DIST.

2. **SAINUDEEN, S/O.MOITHEENKUTTY (A2),**
   PALLURUTHI NAMBYAPURAM 20/499,
   PALLURUTHI VILLAGE, KANAYANNUR TALUK,
   ERNAKULAM DIST.

BY ADV. SRI.A.MOHAMMED

RESPONDENT: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1154 OF 2007

Dated this the 28th day of February, 2007

O R D E R

Petitioners, who are accused Nos.1 and 2 in C.R. No.7/2007 of Kuttanad Excise Range for offences punishable under Sections 55(a) and 67B of the Abkari Act for allegedly transporting 310 liters of spirit in a Maruti Omni Van(owned by the 4th accused) on 21.1.2007 and who were arrested on the same day, seek their enlargement on bail.

2. Learned Public Prosecutor opposed the application.

3. I am not satisfied that both the grounds enumerated under Clause (b)(ii) of Sec. 41 A of the Abkari Act are present in this case so as to justify the release of the petitioners on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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